

FEDERAL BUREAU OF INVESTIGATION  
FOI/PA  
DELETED PAGE INFORMATION SHEET  
FOI/PA# 1338387-0

Total Deleted Page(s) = 4

Page 19 ~ b3;

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# FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 10/26/2010

To: Louisville

From: Louisville

Squad 6

Contact: [redacted]

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Approved By: [redacted] *mf*

Drafted By: [redacted]

:jfr *pf*

Case ID #: 295B-LS-74440 (Pending) -10

Title: [redacted]

295B-LS-74440-GJ-1  
TAKE-TWO INTERACTIVE SOFTWARE INCORPORATE  
COMPUTER SOFTWARE MATTERS

Synopsis: Request opening of a Grand Jury sub file.

Details: The writer request the opening of a Grand Jury sub file  
for the captioned case.

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*(X) pf*

295B-LS-74440-GJ-1  
~~10~~

File Number 295B-LS-74410-6T

Field Office Acquiring Evidence LS

Serial # of Originating Document 6

Date Received 12/29/2010

From

(Name of Contributor/Interviewee)

(Address)

(City and State)

By \_\_\_\_\_

To Be Returned ☐ Yes ☐ No

Receipt Given ☐ Yes ☐ No

Grand Jury Material - Disseminate Only Pursuant to Rule 6 (e)  
Federal Rules of Criminal Procedure

☒ Yes ☐ No

Federal Taxpayer Information (FTI)

☐ Yes ☐ No

Title:

Reference: \_\_\_\_\_

(Communication Enclosing Material)

Description: ☐ Original notes re interview of

files provided by

1

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**FEDERAL BUREAU OF INVESTIGATION**

Precedence: ROUTINE

Date: 10/22/2010

To: Louisville

From: Louisville

Squad 6

Contact: [redacted]

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b7C

Approved By: [redacted] *np*

Drafted By: [redacted] jfr

Case ID #: 295B-LS-74440-GJ (Pending) -2

Title: [redacted]  
TAKE-TWO INTERACTIVE SOFTWARE INCORPORATED  
COMPUTER SOFTWARE MATTERS

Synopsis: Document subpoena served

Details: On October 22, 2010 subpoena 2010R00617/01 was faxed to [redacted] The subpoena has been attached and made a part of this record.

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295B-LS-74440-GJ-2

# **Fax Cover Sheet**



## **Federal Bureau of Investigation Louisville Field Office**

12401 Sycamore Station Place  
Louisville, KY 40202  
Fax: 502-263-6245

**To:**

**Fax:**

**Attn:**

**Date:** 10/22/2010

**From:** SA

**Pages (including cover letter):** 8

**Subject:** Federal Grand Jury Subpoena

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## UNITED STATES DISTRICT COURT

for the

Eastern District of Kentucky

Covington

## SUBPOENA TO TESTIFY BEFORE A GRAND JURY

To:

**YOU ARE COMMANDED** to appear in this United States district court at the time, date, and place shown below to testify before the court's grand jury. When you arrive, you must remain at the court until the judge or a court officer allows you to leave.

Place: United States Federal Courthouse - Grand Jury Suite  
35 West Fifth Street  
Covington, Kentucky 41011

Date and Time:  
11/10/2010 9:00 am

You must also bring with you the following documents, electronically stored information, or objects (*blank if not applicable*):

Date: 10/15/2010



CLERK OF COURT

Leslie G. Whitmer, Clerk of Court

*Signature of Clerk or Deputy Clerk*

The name, address, e-mail, and telephone number of the United States attorney, or assistant United States attorney, who requests this subpoena, are:

Laura K. Voorhees  
207 Grandview Drive, Suite 400  
Ft. Mitchell, Kentucky 41017  
859.655.3200

PROOF OF SERVICE

This subpoena for (name of individual or organization)   
 was received by me on (date) 10/22/2010

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☐ I personally served the subpoena on the individual at (place) \_\_\_\_\_  
 on (date) \_\_\_\_\_; or

☐ I left the subpoena at the individual's residence or usual place of abode with (name) \_\_\_\_\_  
 \_\_\_\_\_, a person of suitable age and discretion who resides there,  
 on (date) \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the subpoena on (name of individual) \_\_\_\_\_, who is  
 designated by law to accept service of process in behalf of (name of organization) \_\_\_\_\_  
 on (date) \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because \_\_\_\_\_; or

☒ Other (specify): faxed to

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I declare under penalty of perjury that this information is true.

Date: 10/22/2010

\_\_\_\_\_  
 Server's signature  
 Special Agent  
 \_\_\_\_\_  
 and title

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12401 Symare Station Place Louisville, KY  
 \_\_\_\_\_  
 Server's address

Additional information regarding attempted service, etc:



U.S. Department of Justice

United States Attorney  
Eastern District of Kentucky

207 Grandview Drive, Suite 400  
Ft. Mitchell, Kentucky 41017

(859) 655.3200  
FAX (859) 655.3212

October 15, 2010



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RE: Grand Jury Subpoena No. 2010R00617/01

Dear Sir or Madam:

The Grand Jury is conducting a criminal investigation into a suspected felony. Pursuant to that investigation, it is requested that you furnish the information requested in the attached subpoena.

We respectfully ask that you not disclose the existence of this request. Any such disclosure could impede the investigation being conducted and thereby interfere with the enforcement of the law.

You have been served with a subpoena issued pursuant to an investigation being conducted by the Federal Grand Jury. That subpoena requires production of specified materials to be returned and presented before the Grand Jury.

Please comply with the subpoena:

- (1) By appearing personally with the materials before the Grand Jury on the date and at the place set out in the subpoena; or, alternatively,
- (2) By furnishing the materials requested to Special Agent   
 an agent of the United States, prior to the date specified for the Grand Jury appearance; or

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Custodian of Records  
October 15, 2010  
Page 2

- (3) By transmitting the materials in a securely sealed container by registered United States Mail, addressee only, to the following: Special Agent [REDACTED] [REDACTED] Federal Bureau of Investigation, 12401 Sycamore Station Place, Louisville, KY. 40202, in advance of the date specified in the subpoena to assure arrival at least one day prior to that date.

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***PLEASE DO NOT TRANSMIT THE MATERIALS TO THE  
UNDERSIGNED ATTORNEY.***

If you elect to release the materials to the agent, either personally or by mail, you must execute the attached Waiver of Grand Jury Appearance and return it with the records. Whether you comply with the subpoena by appearing yourself before the Grand Jury or by delivering the materials to the agent, either personally or by mail, prior to the date specified on the Grand Jury subpoena, is a matter entirely within your discretion.

Sincerely,

KERRY B. HARVEY  
UNITED STATES ATTORNEY

By:

[REDACTED]

Assistant United States Attorney

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LKV/taj  
Enclosures

**AFFIDAVIT OF AUTHENTICITY**

I, \_\_\_\_\_, having been duly sworn do hereby  
(Name)

state and affirm:

- 1) I am the custodian of Records for \_\_\_\_\_  
(Name of Entity or Organization)
- 2) That the below listed originals or duplicates of a domestic record of  
regularity conducted activity admissible under Federal Rule of Evidence  
803(6) were:
  - a) Made at or near the time of the occurrence of matters set forth by or  
from information transmitted by, a person with knowledge of those  
matters;
  - b) Kept in the course of the regularly conducted activity; and
  - c) Was made by the regularly conducted activity as a regular practice.
- 3) The aforementioned records are hereby identified as: (Description of records)

\_\_\_\_\_  
Affiant

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

My Commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

IN RE: GRAND JURY SUBPOENA NO. 2010R00617/01

WAIVER OF GRAND JURY APPEARANCE

Comes the undersigned and states as follows:

1. My name is \_\_\_\_\_.
2. My position is \_\_\_\_\_ with (name of company or entity) \_\_\_\_\_, (Address) \_\_\_\_\_, (City) \_\_\_\_\_, (State) \_\_\_\_\_.
3. I am ( ) named witness ( ) custodian of records for \_\_\_\_\_ (business or entity subpoenaed) (check one or both, as applicable).
4. This subpoena was served on me on \_\_\_\_\_.
5. I understand that I have the right to personally appear before the Grand Jury in response to the subpoena duces tecum, and produce for the Grand Jury the records called for by the subpoena. However, I choose to waive my right to appear, testify and/or produce those records called for by the subpoena duces tecum.
6. Check one:  
( ) I agree to deliver, and to the best of my knowledge have delivered to the designated agent for the United States, all of the materials called for by the subpoena for production to the Grand Jury.  
  
( ) I agree to transmit, and to the best of my knowledge to have transmitted under seal and by registered mail to the designated agent for the United States, all of the materials called for by the subpoena for production to the Grand Jury.  
  
( ) I have conducted a diligent search and, to the best of my knowledge and belief, none of the materials called for by the subpoena are in my care, custody or control.
7. I recognize that I am under a continuing duty to turn over to the Grand Jury any and all materials described in the subpoena which hereinafter come to my attention and into my custody or control.

DATE: \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE

RECEIPT OF EVIDENCE PRODUCED PURSUANT TO WAIVER OF  
APPEARANCE

8. \_\_\_\_\_, Date \_\_\_\_\_  
(Signature of Agent receiving subpoenaed  
materials and waiver from witness)

9. \_\_\_\_\_, Date \_\_\_\_\_  
(Signature of Agent making return)

10. On behalf of the Grand Jury, I hereby acknowledge return of materials subpoenaed and, by agreement of the Grand Jury, commit said materials to the custody of the agent making the said return.

\_\_\_\_\_  
(Foreman of the Grand Jury receiving materials)

\_\_\_\_\_ (Date of return)

295B-LS-7440-GJ-3

- 1 -

## FEDERAL BUREAU OF INVESTIGATION

Date of transcription 10/28/2010

On October 28, 2010 [ ] returned the results for subpoena 2010R00617/01. The information provided did not return any results. The returned information from [ ] has been attached and made a part of this communication.

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A review of [ ]

[ ] A new subpoena has been requested.

Investigation on 10/28/2010 at \_\_\_\_\_File # 295B-LS-74440-GJ

Date dictated \_\_\_\_\_

by SA [ ]

S:\Drafts\Sq6\ [ ] 301jfr\_2.302

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

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**FEDERAL BUREAU OF INVESTIGATION**

**Precedence:** ROUTINE

**Date:** 11/08/2010

**To:** Louisville

**From:** Louisville

Squad 6

**Contact:** [ ]

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**Approved By:** [ ] *JP*

**Drafted By:** [ ]

jfr *JP*

**Case ID #:** 295B-LS-74440-GJ (Pending) -4

**Title:** [ ]

TAKE-TWO INTERACTIVE SOFTWARE INCORPORATE  
COMPUTER SOFTWARE MATTERS

**Synopsis:** Document receipt of subpoena.

**Details:** On November 8, 2010 the writer received a fax dated November 5, 2010, from [ ] documenting the receipt of the a subpoena request. The fax has been attached and made a part of this communication.

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*JP*

295B-LS-74440-GJ-4

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**FEDERAL BUREAU OF INVESTIGATION**

**Precedence:** ROUTINE

**Date:** 11/04/2010

**To:** Louisville

**From:** Louisville  
Squad 6

**Contact:** [redacted]

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**Approved By:** [redacted] *[signature]*

**Drafted By:** [redacted]

jfr *PR*

**Case ID #:** 295B-LS-74440-GJ

(Pending) -5

**Title:** [redacted]

TAKE-TWO INTERACTIVE SOFTWARE INCORPORATED  
COMPUTER SOFTWARE MATTERS

**Synopsis:** Document subpoena served

**Details:** On November 4, 2010 subpoena 2010R00167/02 was faxed to [redacted] The subpoena has been attached and made a part of this record.

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*[signature]*

295B-LS-74440-GJ-5



UNITED STATES DISTRICT COURT  
for the  
Eastern District of Kentucky  
Covington  
SUBPOENA TO TESTIFY BEFORE A GRAND JURY

To:

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**YOU ARE COMMANDED** to appear in this United States district court at the time, date, and place shown below to testify before the court's grand jury. When you arrive, you must remain at the court until the judge or a court officer allows you to leave.

Place: United States Federal Courthouse - Grand Jury Suite  
35 West Fifth Street  
Covington, Kentucky 41011

Date and Time:  
12/09/2010 9:00 am

You must also bring with you the following documents, electronically stored information, or objects (*blank if not applicable*):

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Date: 11/03/2010



CLERK OF COURT

Leslie G. Whitmer, Clerk of Court  
*Signature of Clerk or Deputy Clerk*

The name, address, e-mail, and telephone number of the United States attorney, or assistant United States attorney, who requests this subpoena, are:  
Laura K. Voorhees  
207 Grandview Drive, Suite 400  
Ft. Mitchell, Kentucky 41017  
859.655.3200



U.S. Department of Justice

United States Attorney  
Eastern District of Kentucky

207 Grandview Drive  
Suite 400  
Ft. Mitchell, Kentucky 41017

859.655.3200  
FAX:859.652.3212

November 3, 2010



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RE: Grand Jury Subpoena No. 2010R00617/02

Dear Sir or Madam:

You have been served with a subpoena issued pursuant to an investigation being conducted by the Federal Grand Jury sitting at Covington, Kentucky. That subpoena requires production of specified materials to be returned and presented before the Grand Jury.

You may comply with the subpoena as follows:

- (1) By appearing personally with the materials before the Grand Jury on the date and at the place set out in the subpoena; or, alternatively,
- (2) By furnishing the materials requested to SA  an agent of the United States, prior to the date specified for the Grand Jury appearance; or
- (3) By transmitting said materials in a securely sealed container by registered United States Mail addressed only to the following:

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SA   
**Federal Bureau of Investigation**  
**12401 Sycamore Station Place,**  
**Louisville, KY. 40202**

sufficiently in advance of the date specified in the subpoena to assure arrival one day prior to that date.

**PLEASE DO NOT TRANSMIT THE MATERIALS TO  
THE UNDERSIGNED**

**If you elect to release the materials to the agent, either personally or by mail, you must execute the attached Waiver of Grand Jury Appearance and the Affidavit of Authenticity which must be notarized. Whether you comply with the subpoena by appearing yourself before the Grand Jury or by delivering the materials to the agent, either personally or by mail, prior to the date specified on the Grand Jury Subpoena, is a matter entirely within your discretion. Production of these materials is requested in the form of electronic media. Data may be provided on disks (CD's or DVD's). All files are requested in their native file formats or TIFF (tagged image format file) format. An index of the files is also requested.**

Sincerely,

KERRY B. HARVEY  
UNITED STATES ATTORNEY

BY:



Laura K. Voorhees  
United States Attorney

LKV/taj

# **Fax Cover Sheet**



## **Federal Bureau of Investigation Louisville Field Office**

12401 Sycamore Station Place  
Louisville, KY 40202  
Fax: 502-263-6245

**To:**

**Fax:**

**Attn:**

**Date:** 11/04/2010

**From:** SA

**Pages (including cover letter):** 8

**Subject:** Grand Jury Subpoena

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RECEIPT OF EVIDENCE PRODUCED PURSUANT TO WAIVER OF  
APPEARANCE

8. \_\_\_\_\_, Date \_\_\_\_\_  
(Signature of Agent receiving subpoenaed  
materials and waiver from witness)

9. \_\_\_\_\_, Date \_\_\_\_\_  
(Signature of Agent making return)

10. On behalf of the Grand Jury, I hereby acknowledge return of materials subpoenaed  
and, by agreement of the Grand Jury, commit said materials to the custody of the  
agent making the said return.

\_\_\_\_\_  
(Foreman of the Grand Jury receiving materials)

\_\_\_\_\_ (Date of return)

IN RE: GRAND JURY SUBPOENA NO. 2010R00617/02

WAIVER OF GRAND JURY APPEARANCE

Comes the undersigned and states as follows:

1. My name is \_\_\_\_\_.
2. My position is \_\_\_\_\_ with (name of company or entity) \_\_\_\_\_, (Address) \_\_\_\_\_, (City) \_\_\_\_\_, (State) \_\_\_\_\_.
3. I am ( ) named witness ( ) custodian of records for \_\_\_\_\_ (business or entity subpoenaed) (check one or both, as applicable).
4. This subpoena was served on me on \_\_\_\_\_.
5. I understand that I have the right to personally appear before the Grand Jury in response to the subpoena duces tecum, and produce for the Grand Jury the records called for by the subpoena. However, I choose to waive my right to appear, testify and/or produce those records called for by the subpoena duces tecum.
6. Check one:  
( ) I agree to deliver, and to the best of my knowledge have delivered to the designated agent for the United States, all of the materials called for by the subpoena for production to the Grand Jury.  
  
( ) I agree to transmit, and to the best of my knowledge to have transmitted under seal and by registered mail to the designated agent for the United States, all of the materials called for by the subpoena for production to the Grand Jury.  
  
( ) I have conducted a diligent search and, to the best of my knowledge and belief, none of the materials called for by the subpoena are in my care, custody or control.
7. I recognize that I am under a continuing duty to turn over to the Grand Jury any and all materials described in the subpoena which hereinafter come to my attention and into my custody or control.

DATE: \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE

**AFFIDAVIT OF AUTHENTICITY**

I, \_\_\_\_\_, having been duly sworn do hereby  
(Name)

state and affirm:

- 1) I am the custodian of Records for \_\_\_\_\_  
(Name of Entity or Organization)
- 2) That the below listed originals or duplicates of a domestic record of  
regularity conducted activity admissible under Federal Rule of Evidence  
803(6) were:
  - a) Made at or near the time of the occurrence of matters set forth by or  
from information transmitted by, a person with knowledge of those  
matters;
  - b) Kept in the course of the regularly conducted activity; and
  - c) Was made by the regularly conducted activity as a regular practice.
- 3) The aforementioned records are hereby identified as: (Description of records)

\_\_\_\_\_  
Affiant

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

My Commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

PROOF OF SERVICE

This subpoena for (name of individual or organization) \_\_\_\_\_  
was received by me on (date) 11/4/2010.



☐ I personally served the subpoena on the individual at (place) \_\_\_\_\_  
on (date) \_\_\_\_\_; or

☐ I left the subpoena at the individual's residence or usual place of abode with (name) \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on (date) \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the subpoena on (name of individual) \_\_\_\_\_, who is  
designated by law to accept service of process in behalf of (name of organization) \_\_\_\_\_  
on (date) \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because \_\_\_\_\_; or

☒ Other (specify): faxed subpoena to

I declare under penalty of perjury that this information is true.

Date: 11/4/2010

Signature  
  
Title

12401 Sycamore Station Place Louisville, KY  
Server's address

Additional information regarding attempted service, etc:



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**FEDERAL BUREAU OF INVESTIGATION**

Precedence: ROUTINE

Date: 12/20/2010

To: Louisville

From: Louisville

Squad 6

Contact: [redacted]

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Approved By: [redacted] *QR*

Drafted By: [redacted]

jfr *JR*

Case ID #: 295B-LS-74440-GJ - *6*

Title: [redacted]

TAKE-TWO INTERACTIVE SOFTWARE INCORPORATED  
COMPUTER SOFTWARE MATTERS

Synopsis: Document return of [redacted] subpoena.

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Details: [redacted] returned the information requested by Subpoena  
2010R00167/02. The information was placed on a CD and submitted  
in a 1-A. [redacted]

[redacted]

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*Q/R*

295B-LS-74440-GJ-*6*